

TITLE: LABOR.

Chapter

1. Boiler Inspections, Exemptions—Fees.
2. Amendments to the Unemployment Compensation Act.
3. Amendment to the Unemployment Compensation Act.
4. Establishment of Free Public Employment Service Within Counties or Political Subdivisions.

CHAPTER 1.

BOILER INSPECTIONS, EXEMPTIONS—FEES.

H. B. No. 419.]

An Act amending Sections 3, 5, and 12 of House Bill No. 352 of the Regular Session of the Forty-fifth Legislature; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That Section 2 of House Bill No. 352, Chapter 436, page 893 of the Session Laws of the Forty-fifth Legislature, 1937, be and the same is hereby amended so as to hereafter read as follows:

"Section 3. The following boilers are exempt from the provisions of this Act:

"(1) Boilers under Federal control and stationary boilers at round houses, pumping stations and depots of railway companies under the supervision or inspection of the Superintendent of Motive Power of such railway companies;

"(2) Boilers on which the pressure does not exceed fifteen (15) pounds per square inch;

"(3) Automobile boilers and boilers on road motor vehicles;

"(4) Boilers used exclusively for agriculture purposes;

"(5) Boilers for heating in buildings occupied solely for residence purposes with accommodations not to exceed four (4) families;

"(6) Boilers used for cotton gins."

SEC. 2. That Section 5 of House Bill No. 352, Chapter 436 of the Session Laws of the Forty-fifth Legislature, 1937, be and the same is hereby amended so as to hereafter read as follows:

"Section 5. Every insurance company insuring boilers in this State shall, within thirty (30) days after inspecting any steam boiler, file a duplicate report of such inspection with the Commissioner showing the date of such inspection together with the name of the person making such inspection, and such report shall show fully the condition and location of such boiler at the time such inspection was made. Such report shall also state when the policy of insurance was issued by the insurance company on said boiler and the date of expiration of such policy of insurance.

The owner or user of every boiler inspected by an inspector for an insurance company authorized to do business in this State on which such insurance company has issued a policy of insurance after inspection thereof, shall be exempt from other inspections and inspection fees under the provisions of this Act; provided nothing in this Section shall prevent the Commissioner from authorizing the inspection of any insured boiler at any reasonable time when, in the opinion of the Commissioner, such insured boiler may be in an unsafe condition, provided the Commissioner shall contact the insurance company carrying insurance on said boiler and that the inspector for the insurance company carrying such insurance and the inspector or deputy inspector shall jointly and together inspect the boiler, within twenty (20) days, for which inspection no additional charge shall be made as set forth in Section 12 of this Act. The Commissioner is authorized and has authority to issue a Certificate of Operation to the owner or user of all boilers subject to inspection under this Act, and the owner or user of an insured boiler shall pay the sum of One Dollar (\$1) for each Certificate of Operation issued, and the owner or user of a State inspected boiler shall pay a like sum of One Dollar (\$1) for each Certificate of Operation issued, which said fee shall be and is absorbed by the internal and external inspection fee authorized in Section 12 of this Act. Every insurance company shall notify the Commissioner in writing of the cancellation or expiration of every policy of insurance issued by it with reference to boilers in this State, within twenty (20) days after the expiration or cancellation of said policy, giving the cause or reason for such cancellation or expiration. Such notice of cancellation or expiration shall show the date of the policy and the date when the cancellation or expiration has or will become effective."

SEC. 3. That Section 12 of House Bill No. 352, Chapter 436 of the Session Laws of the Forty-fifth Legislature, 1937, be and the same is hereby amended so as to hereafter read as follows:

"Section 12. The Commissioner shall fix and collect fees for the inspection of steam boilers covered by this Act which exceed thirty (30) inches in diameter, Two Dollars and Fifty Cents (\$2.50) for each external inspection, and not to exceed Seven Dollars and Fifty Cents (\$7.50) for each internal inspection in each twelve (12) months period; and for boilers exceeding twenty-four (24) inches in diameter and not exceeding thirty (30) inches in diameter, Five Dollars (\$5) for each complete inspection in each twelve (12) months period; and boilers not exceeding twenty-four (24) inches in diameter, Two Dollars and Fifty Cents (\$2.50) for each complete inspection in each twelve (12) months period. Provided that, when a boiler is found unfit for further use no Certificate of Inspection shall be issued and the use of such condemned boiler may be prohibited. Provided further that the Commissioner or any of his employees shall not have authority to prescribe the make, brand or kind of boilers to buy or purchase. And provided that when any inspector or employee of the Commissioner tears down a boiler

in a cleaning and pressing establishment, said inspector or employee shall assist the owner to repair and assemble said boiler as it was before it was dismantled, and if he fails to assist said owner said fee shall not be paid. Such fees must be paid by the owner or user before the issuance of a Certificate of Operation for the boiler inspected. No fees shall be charged the owner or user by the Commissioner when the inspection herein provided for has been made by an inspector holding a commission as inspector from said Commissioner if the holder of such commission as inspector is employed by any county, or city and county, or city, or insurance company, except the charge fixed for Certificate of Operation in Section 5 hereof. All fees collected by the Commissioner under this Act shall be paid into the State Treasury to the credit of the 'State Boiler Inspection Fund' together with a detailed report of same, and said monies so deposited in said special fund are hereby appropriated for the purpose of paying the expenses of the administration of this Act."

SEC. 4. The fact that the provisions of House Bill No. 352 were passed by the Legislature without any intention of including boilers mentioned in Section 3 hereof; and the fact that the payment of the tax as provided in said bill is a burden upon poor operators of tailor shops, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall be in force from and after its passage, and it is so enacted.

[NOTE.—H. B. No. 419 was passed by the House, April 6, 1939, by a vote of 123 yeas, 1 nay; by the Senate, with amendments, June 21, 1939, by a vote of 30 yeas, 1 nay; House concurred in Senate amendments, June 21, 1939, by a viva voce vote.]

Approved July 7, 1939.
Effective 90 days after adjournment.